

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

January 20, 2015

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PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Gail Hambrick, Commissioner Sonna Gregory, Commissioner Michael Edmondson, Commissioner Shana M. Rooks, and Clerk Sandra T. Davis.

1. Chairman Turner called the meeting to order.
2. Invocation was given by Pastor Taj Lands from Family Life Missionary Baptist Church, of Jonesboro, Georgia. Pledge of Allegiance to the flag was led by Chairman Turner.
3. Adopted the agenda as presented. Vote unanimous.
4. Approved the January 6, 2015 Regular Business Meeting minutes. Vote unanimous.
5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting.
 1. Emma Atterberry-Smith, a Clayton County resident, spoke before the Board on behalf of the North Bridge Estate Homeowners Association. She stated that North Bridge has struggled several years by protest, court procedure, and much prayer to get the community to where it is today. She stated that although the community is not perfect, it is worth fighting for. Ms. Atterberry-Smith expressed that what Crown Builders wants to do to their community (North Bridge Estates) is unacceptable to all that live there. Crown Builders is still building around and throughout their community and because of this they will not be the loser. She expressed that the residents of the North Bridge Community have not been invited to any of the luncheons or meetings held by the builder to discuss why the additional construction is being done. Also, the members of the community feel that Crown Builders is out of compliance with the zoning that was put in place previously. Ms. Atterberry-Smith also stated that many homeowners feel that their property values will be compromised and depreciated with the addition of the new construction to the neighborhood. She has stated that the members of the North Bridge Community petition the zoning for their area to be denied by the Board so that the prestigious status of the community can remain upheld.
 2. Dr. Henry Anderson, a Clayton County resident, spoke before the Board to weigh in and ask the commissioners to expedite the issue that he read about in the newspaper

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between Chairman Turner and Police Chief Greg Porter. He states that the issue was first reported by the Clayton News Daily on Friday December 12, 2014, referencing an email sent by Chief Greg Porter to Alex Cohilas on November 17, 2014. Also, the Atlanta Journal Constitution (AJC) did an article about the security detail breach on December 13, 2014. Dr. Anderson proceeded to state that this was not the reason he was before the Board today, but, he just ask that the Board expedite this issue. He also stated that starting in February; he would come before the Board more concerning MARTA and crime. He stated that he is sure that with MARTA coming to the county that jobs will increase, however, he is very certain that crime will increase also due to MARTA services being offered, and will be before the Board every meeting during public comment to address this. Dr. Anderson reiterated that he felt the issue with Chief Porter should be resolved before the MARTA services begin within Clayton County.

3. Cheryl Greenerl, a Clayton County resident, states that she is a resident of North Bridge Estates and has come to voice her opposition in the changing of the zoning with the side entry garages going from 33% to 9%. She stated that when she purchased her home, she was given information about the expectations in the level of quality of life of homeowners within North Bridge Estates. Part of the expectations was that there would be a number of side entry garages on the homes within the community, thus increasing the cost and value of the home. Ms. Greenerl stated that her concern is by reducing the number of homes with side entry garages would reduce the “comps” in the area and would negatively affect the values of the homes.
 4. Judy Simon did not respond when called for public comment.
6. Debra Brewer, Director of Central Services, presented the Board with the following five (5) items which resulted in the following Board actions:

(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

1) Approved the **Request for 90 Day Contract Extension, Second Amendment: RFB PKG: #11-22 Ethanol & Ultra Low Sulfur Diesel, Annual Contract.** (A.R. Brooks Enterprises, Inc., located in Smyrna, Georgia; Mansfield Oil Company, located in Gainesville, Georgia and Petroleum Traders Corporation, located in Fort Wayne, Indiana. As requested by the Transportation and Development/Fleet Maintenance Department). Per Section 2-136 (1) and (6) of the Clayton County Code of Ordinances, General Purchasing Methods; Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The

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Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

2) Approved **Recommendation to Amend and Renew: RFB PKG: #12-34 Clayton County Police Vehicle Equipment Annual Contract, Fifth Amendment, Final Annual Renewal.** (Trans Comm Services, Inc., located in Griffin, Georgia. As requested by the Police Department). Per Section 2-136 (1) and (6) of the Clayton County Code of Ordinances, General Purchasing Methods; Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

3) Approved **Recommendation for Award: RFB PKG: #14-62 Panhandle Road Construction of a Left Turn Lane at Eddie White Academy, Clayton County, Georgia.** (\$488,316.90 / Baldwin Paving Co., Inc., located in Marietta, Georgia. Funding is available through the 2009 SPLOST Funds. As requested by Transportation and Development Department). Per Section 2-136 (1) of the Clayton County Code of Ordinances, General Purchasing Methods; Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

4) Approved **Recommendation for Award: RFB PKG: #14-68 Clayton County Information Technology Products & Services for Cisco, Tandberg, Webex & Smartnet, Annual Contract.** (Disys Solutions, Inc., located in Chantilly, Virginia. Funding is available

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through the Information Technology's General Fund FYE 2015. As requested by the Information Technology Department). Per Section 2-136 (1) and (6) of the Clayton County Code of Ordinances, General Purchasing Methods; Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

5) Approved **Recommendation to Amend Sole Source: CAD Dispatch Software Upgrade Contract, Fourth Amendment.** (SunGard Public Sector, Inc., located in High Point, North Carolina. No cost to the County). Per Section 2-136 (7) of the Clayton County Code of Ordinances, General Purchasing Methods; Central Services must determine if other products or service providers can satisfy the procurement requirements before making a determination of sole source procurement. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The Purchasing Agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners. Vote unanimous.

7. Ramona Thurman Bivins, Chief Financial Officer, presented two (2) budget amendments which resulted in the following Board actions:

1) Approved Budget Amendment #4-89/2009 Reimposition SPLOST/FYE 6-30-15 – To amend the budget to provide funding for materials and construction of a new traffic signal located at State Route 42 and the Project Atlantic Driveway, in the amount of \$130,000. Vote unanimous.

2) Approved Budget Amendment #2-16/Circuit Public Defenders/FYE 6-30-15 – To amend the budget to recognize a refund check from Georgia Public Defenders Standard Council to reinvest in the Clayton County Public Defender's Office to continue to hire the services of local lawyers, in the amount of \$80,143. Vote unanimous.

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8. Approved Resolution 2015-25 - A Resolution authorizing Clayton County to accept three forfeited vehicles from a Clayton County Police Department Drug Investigation. Vote unanimous.

***Synopsis:** This Resolution will allow for the sale of three seized vehicles to be used as directed by the Superior Court Orders (2014CV03040-5, 2014CV02467-9, and 2014CV02373-5).*

9. Approved Resolution 2015-26 - A Resolution authorizing Clayton County to continue its participation in the Federal Bureau of Investigation's Organized Crimes Drug Enforcement Task Force known as the David G. Wilhelm Strike Force. Vote unanimous.

***Synopsis:** A Resolution that will allow Clayton County Police Department to continue participation in Strike Force activities which provides valuable intelligence for crime and illegal drug control efforts.*

10. Approved Resolution 2015-27 - A Resolution authorizing Clayton County to allow Emory University's Project Giving ACTS to host Informational Sessions regarding organ and tissue sharing at the South Clayton Recreation Center. Vote unanimous.

***Synopsis:** This Resolution will allow Project Giving ACTS to host 90-minute health/educational information sessions to individuals regarding organ and tissue sharing on January 27, February 11, and February 19, 2015 from 5:00 pm - 8:00 pm and March 18, 2015 from 2:00 pm to 5:00 pm.*

11. Approved Resolution 2015-28 - A Resolution authorizing Clayton County to dispose of 20 abandoned firearms in the manner required by law and pursuant to an order from Clayton County Superior Court. Vote unanimous.

***Synopsis:** This Resolution will allow the Clayton County Police Department to comply with State law which requires the county to dispose of abandoned firearms through a public action and proceeds will be paid into the General Fund.*

Christie Barnes, Chief Staff Attorney, requested an executive session to discuss personnel and litigation matters.

12. Approved the appointment of Roberta Abdul-Salaam to the MARTA Board of Directors for a new member to serve a four (4) year term expiring on December 31, 2018. (Full-Board Appointment) (Removed from the January 6, 2015 Agenda) Motion passed 4-1. Commissioner Edmondson opposed.

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13. Denied the appointment of Josh Landers to the MARTA Board of Directors for a new member to serve a four (4) year term expiring on December 31, 2018. (Full-Board Appointment) *(Removed from the January 6, 2015 Agenda)* Defeated 2-3. Chairman Turner, and Commissioners Edmondson and Rooks opposed.

Approved the appointment of Jerry Griffin to the MARTA Board of Directors for a new member to serve a four (4) year term expiring on December 31, 2018. (Full-Board Appointment) *(Removed from the January 6, 2015 Agenda)* Motion passed 3-2. Vice-Chairman Hambrick and Commissioner Gregory opposed.

14. Held the appointment to the Library Board to fill the unexpired term of Jeanell Bridges (resigned). This term expires on June 30, 2016. (Full-Board Appointment)

15. Approved the appointment of Tyrone Keith to the Parks & Recreation Advisory Board to fill the vacant seat of the District Two representative. The term runs concurrent with the appointing Commissioner expiring December 31, 2016. (Commissioner Hambrick) Vote unanimous.

16. Approved the reappointment of Rodney Givens to the Water Authority Board. The term is for five years, expiring on February 28, 2020. (Full-Board Appointment) Motion passed 3-2. Vice-Chairman Hambrick and Commissioner Gregory opposed.

17. Approved the appointment of Dr. Cephus Jackson to the Water Authority Board to fill the expiring term of Oscar Blalock. The term is for five years, expiring on February 28, 2020. (Full-Board Appointment) Motion passed 3-2. Vice-Chairman Hambrick and Commissioner Gregory opposed.

18. Denied ZONING PETITION: **ANTONIO TAYLOR/GROUP HOME USE/CUP-14/10-11**

The Applicant, Antonio Taylor, is requesting a conditional use permit (CUP) from Article 6.12 Personal Care Homes, Boarding Homes and Group Home Standards to allow for a group home use. The subject property is located at 3783 Charlotte Drive, Rex, Georgia 30273 and otherwise known as parcel number 12-136B-B004. The subject property contains approximately 11,250 square feet in area or 0.26 +/- acres of land and it is currently zoned Residential District (RS-110). Vote unanimous.

Commission District # 1 – Commissioner Sonna Gregory

ZAG recommended APPROVAL

Mr. Antonio Taylor stated that he is a retired police officer of 14 years and the owner of Turning Point Youth and Family Services, and that he was present with the house supervisor Ms. Brantons. He stated the mission of Turning Point is to have a positive impact on every child that Turning Point comes in contact with. The goal is to restore the youth to lives of

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purpose, meaning, and opportunity to serve the community. The living situation would be a total of six (6) boys, from the ages of 12 to 17. There will be eight (8) staff members providing 24 hour supervision for the youth. The staff would receive extensive training in CPR/First Aid as well as mind set training.

Ms. Angel Brantons, house supervisor, presented the Board with a list of activities that the boys housed at Turning Point would be involved in, which are sponsored through the Department of Family and Children Services (DFCS). She also stated that the boys would be allowed to obtain an internship opportunity around the community and also to participate in jobs. Those that are under the age requirement will be required to participate in summer camps available at the local recreation centers. There would also be scheduled outings and enrichment activities that would take place on the weekend as well.

Mr. Taylor also stated that the residents in the neighborhood were aware, since last September, as to what the plans were for Turning Point Youth and Family Services, and several of them were on board. He also stated that on November 3, 2014, there was an open house held for the residents of the community to come out to the facility where Turning Point would be and there was a great show of support.

Vice-Chairman Hambrick questioned Mr. Taylor as to where he resided. He advised that he resided in Henry County.

Ms. Addie Whittaker expressed her understanding for wanting to start group homes in District 1; however, her reservation is that of safety and security issues, and the value of property going down and insurance going up. She stated that once the group homes start, and they make their money and move on, the community is stuck with trying to re-coup the value of their property. She stated she is in full opposition of this, and she is all for group homes, but the group homes should not be in residential areas within District 1.

Mr. Rondle Young stated that he was at the meeting to voice his opinion and his opposition of the group home. He stated that there was no signage that indicated there was going to be a group home in the neighborhood. He questioned the medical condition of the boys that would be staying there. He stated that his request to the Board was to deny the petition for the CUP.

Mr. Taylor stated there is a wide range of support coming from the neighborhood, and he is not sure as to why Ms. Whittaker and Mr. Young are not in support of opening the group home. Also, he stated that there are individuals who have donated clothing and even a resident that is willing to teach the children Spanish. He stated that they have reached out to the community and support has been received from the surrounding schools and from Ms. Nikki Braxton, Youth Pastor of Atlanta Christian Church. Mr. Taylor stated that group homes have been given

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a “bad name”, and he would like to open this facility to serve as preventative maintenance for the children.

Commissioner Rooks confirmed with Mr. Taylor the staff that will be employed to supervise the children. He confirmed that there will be a staff of eight (8) that would work in shifts.

Commissioner Rooks questioned Mr. Taylor that since he resided in Henry County, how is it that he selected Clayton County to open this facility. He replied that initially Henry County was his first choice; however, Henry County requires that there is a two (2) acre minimum when opening such a facility, and with financing he was unable to find a home with two (2) acres within his budget to open the facility. Commissioner Rooks questioned as to what the requirements were for Clayton County in opening such a facility. She was advised by Kc Krzic, Planning & Zoning Administrator, that Clayton County just requires a specific zoning district.

Commissioner Edmondson stated that he understands the property in question is on 0.26 acres, with a minimum of two (2) adults working in shifts. He asked Mr. Taylor to advise of parking and ADA access to the building. Mr. Taylor advised that the home has an extended driveway, and would not be accepting children at this time that are deemed as ADA. Commissioner Edmondson questioned as to whether the parking would take place in the narrowed driveway, or if the parking would take place in the grass. Mr. Taylor replied that the staff would be able to park one behind the other since there would only be two (2) staff there at a time and no one would be parking in the street.

Vice-Chairman Hambrick questioned as to how many rooms were within the house. Mr. Taylor replied that there are five (5). Vice-Chairman Hambrick also questioned how many children would be residing within the facility. Mr. Taylor confirmed that there would be six (6) children, and two (2) adults that would not reside in the facility.

19. Approved ZONING PETITION: **FEAGIN WOODS SUBDIVISION PUD/PUD-14/07-2**

The Applicant, Stephen D. Moore on behalf of Scarbrough & Rolader, is requesting a rezoning from Article 3.5 Residential District (RS-180) and Article 3.7 Residential District (RS-110) to Article 7.2 Planned Unit Development District (PUD) for a subdivision upon property located at 0 Feagin Road (06-062-063-002), 0 Feagin Road (06-062-063-010), and 9795 Dixon Industrial Boulevard (06-062C-A004). The subject properties are approximately a combined 36.26 acres of land. **(Included: Updated site plan to go along with PUD request. Applicant removed 12 lots from original request.)** Vote unanimous.

Commission District # 4 – Commissioner Michael Edmondson

ZAG recommended DENIAL

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Mr. Moore, with Moore & Bass Consulting of McDonough, Georgia, stated that he was there on behalf of Scarborough & Rolader in reference to the rezoning of acres to the property on Feagin Road. He stated that the property had been rezoned in 2004 to RS-110, and in 2006 the property received the preliminary client approval and proceeded with construction on the infrastructure that is there today. He stated that all of the roads, utilities (with the exception of the lift station), water system, storm system, and sewer system are in. Mr. Moore stated that since this has been completed (back in 2006), the property has lain dormant. He stated that while it has lain dormant, the previous plat has since expired.

Mr. Moore stated that the original plan submitted to the Board contained 96 lots. He stated that the area went through the TRC review and since that review, the number of lots has been reduced down to 95. In addition to this land, there is a proposal of 10 plus acres for park land that was originally just a conservation area. The proposal is to add a trail area, grassed area, picnic tables, barbeque grills, a pavilion and a playground, to be owned and maintained by the Home Owners Association (HOA) in the subdivision. The information presented to the Board, thus, shows another reduction in usage by 12 acres that would be used as open land to be owned and maintained by the HOA. In addition to the open space that is believed to enhance the quality of life of the residents residing there, there are also landscape buffers along each perimeter boundary to further buffer the lots from the adjacent uses.

The plan that the Board had been presented with previously, has changes that include: 85 lots (12 lot deduction from previously, eliminating access to Dixon Industrial Boulevard), Six (6) foot high wooden privacy fence to divide the developed area and the area being developed, Twenty-two (22) feet minimum driveways on each lot to discourage people from parking along or in the street, Twelve (12) additional written changes given to the Board members.

Commissioner Rooks confirmed with Mr. Moore the number of lots to be developed as being 95 and not 96. He replied that it would be from 96 lots to 85 lots.

Donna Edwards, a resident of Feagin Woods, stated that there is enough in the neighborhood that they have to fight for. The residents need to be able to get in and out of their subdivision with it being peaceful and quiet.

Mike Quick, of 177 Dixon Industrial Boulevard, stated that he was not in opposition of the construction of the new homes. He stated that he believed the previous speaker (Ms. Edwards) was confused about what was going to take place during the construction period. He thanked Commissioner Edmondson for spearheading a great deal of the issues that residents were having within the community and with the developers.

Commissioner Rooks asked Mr. Quick if that was the only concern. He stated that with the closure of the Dixon Industrial Boulevard entrance/exit to the subdivision that it really separated the two areas,

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and it really shouldn't affect the community. The biggest thing that concerned the Feagin Woods community is that of the traffic. The zoning hearing was then concluded.

Vice-Chairman Hambrick expressed her disappointment with Senior Services in reference to the honoring of Ms. Maggie Brown-Kidd turning 110 years old. Chairman Turner assured Vice-Chairman Hambrick that the recognition for Ms. Brown-Kidd within Senior Services would be taken care of.

Motion by Commissioner Edmondson, second by Chairman Turner, to go into Executive Session in the Commissioner's Conference Room at 7:53 p.m. Vote unanimous.

Motion by Commissioner Rooks, second by Commissioner Edmondson, to go out of Executive Session at 8:12 p.m. Vote unanimous.

Motion by Chairman Turner, second by Commissioner Edmondson, to reconvene the Regular Business Meeting in the Commissioner's Boardroom at 8:14 p.m. Vote unanimous.

Chairman Turner made the motion to the Board, to have Chief Operating Officer Alex Cohilas to act as the Interim Director of Economic Development until someone is hired, second by Commissioner Edmondson. Vote unanimous.

There being no further business to discuss, motion by Commissioner Edmondson, second by Chairman Turner, to adjourn the Regular Business Meeting of January 20, 2015 at 8:15 p.m. Vote unanimous.